

Sean Reis (SBN 184004)
sreis@edelson.com
Edelson McGuire, LLP
30021 Tomas Street, Suite 300
Rancho Santa Margarita, California 92688
Telephone: (949) 459-2124
Facsimile: (949) 459-2123

Ryan D. Andrews (*admitted pro hac vice*)
Edelson McGuire, LLC
350 North LaSalle Street, 13th Fl.
Chicago, Illinois 60654
Telephone: (312) 589-6370
Facsimile: (312) 589-26378
randrews@edelson.com

Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JASMINE HUBBARD AND MARVEL
MILLS, individually and on behalf of a class
of similarly situated individuals,

Plaintiffs,

VS.

WENNER MEDIA LLC, a Delaware limited liability company

Defendant.

Case No. 3:11-cv-04648-EMC

**STIPULATION AND [PROPOSED]
ORDER TO RESCHEDULE
SETTLEMENT CONFERENCE**

Judge: Hon. Maria-Elena James

Pursuant to Civil Local Rules 6-1(b) and 6-2 of the United States District Court for the Northern District of California and the Magistrate Judge’s Order Setting Settlement Conference (Dkt. 54), it is hereby stipulated by and among Plaintiffs Jasmine Hubbard and Marvel Mills and Defendant Wenner Media LLC (collectively the “Parties”), by and through their respective counsel of record, as follows:

1
2 WHEREAS, Plaintiff filed the Complaint in this case on September 20, 2011 (dkt. 1);
3
4 WHEREAS, the Parties agreed to participate in a settlement conference with the Hon.
5 Maria-Elena James (dkt. 52);
6

7 WHEREAS, Magistrate Judge James entered an Order setting a Settlement Conference for
8 May 2, 2012 at 10:00 a.m. (dkt. 54);
9

10 WHEREAS, on April 18, 2012, the Parties stipulated to reset the Settlement Conference in
11 this case to July 25, 2012 (dkt. 59);
12

13 WHEREAS, Magistrate Judge James issued an Order resetting the Settlement Conference
14 to July 25, 2012 (dkt. 60);
15

16 WHEREAS, Plaintiff has been diligently seeking discovery from third-parties that possess
17 information relevant to this lawsuit including third-parties Revenue Enhancement Consultants,
18 Inc. and Trifecta Marketing Group, Inc. (“Trifecta”);
19

20 WHEREAS, on April 17, 2012, Plaintiff issued a *subpoena duces tecum* on Trifecta
21 seeking information that would facilitate meaningful settlement discussions between the Parties;
22

23 WHEREAS, Plaintiff expected to receive the documents from Trifecta in advance of the
24 July 25, 2012 settlement conference;
25

26 WHEREAS, on May 29, 2012, Trifecta responded to Plaintiff’s subpoena with a very
27 limited number of documents that were already produced by other third-parties, and further
28 informed Plaintiff that it could not produce additional documents due to a “memory loss” on one
of its computers;

29 WHEREAS, Plaintiff has been communicating with Trifecta to determine alternative
30 locations of electronically stored information (“ESI”) in Trifecta’s possession;
31

32 WHEREAS, should Plaintiff and Trifecta be unable to resolve their discovery disputes
33 informally, Plaintiff will request a meet-and-confer in advance of Plaintiff’s motion to compel;
34

35 WHEREAS, the Parties agree that it would not be an efficient use of the Parties’ or the
36 Court’s time and resources to conduct a settlement conference on July 25, 2012 without the
37

1 evidence necessary to have meaningful settlement discussions;

2 WHEREAS, Magistrate Judge James' chambers has informed the Parties that November
3 13, 2012 is an available date to hold the Settlement Conference;

4 WHEREAS, Magistrate James' chambers has informed the Parties that rescheduling the
5 Settlement Conference to November 13, 2012 is acceptable;

6 WHEREAS, this is the Parties' second request to continue the date of the settlement
7 conference.

8 Pursuant to L.R. 6-2, IT IS HEREBY STIPULATED AND AGREED by the Parties,
9 through their counsel, that, with the Court's agreement, the settlement conference be reset from
10 July 25, 2012 to November 13, 2012. IT IS SO STIPULATED.

11 DATED this 16th day of July 2012.

12 EDELSON MCGUIRE LLP

DAVIS WRIGHT TREMAINE LLP

13 By: /s/ Sean Reis

14 Sean Reis
30021 Tomas Street, Suite 300
15 Rancho Santa Margarita, CA 92688
Phone: (949) 459-2124
16 Attorneys for Jasmine Hubbard and Marvel
Mills

By: /s/ Thomas R. Burke

Thomas R. Burke
505 Montgomery Street, Suite 800
San Francisco, CA 94111-6533
Phone: (415) 276-6500
Attorneys for Wenner Media LLC

17 **ORDER**

18 Pursuant to stipulation, the foregoing is approved and IT IS SO ORDERED.

19 IT IS SO ORDERED.

20 DATED: July 19, 2012

21 THE HONORABLE MARIA-ELENA JAMES
22 UNITED STATES MAGISTRATE JUDGE



CERTIFICATION

I, Sean Reis, am the ECF User whose identification and password are being used to file this *Stipulation And [Proposed] Order to Reschedule Settlement Conference*. In compliance with General Order 45.X.B., I hereby attest that the Counsel whose electronic signatures appear on this document have concurred in this filing and that the same will be delivered to those registered with the Court's CM/ECF system.

Dated: July 16, 2012

EDELSON MCGUIRE LLP

/s/ Sean Reis
Sean Reis
3021 Tomas Street, Suite 300
Rancho Santa Margarita, CA 92688
Phone: (949) 459-2124

Attorneys for Jasmine Hubbard and Marvel Mills